

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

**WAGNER, ET AL.**

Serial No.: **09/113,446**

Filed: **07/10/1998**

For: **HOUSING FOR PORTABLE  
HANDHELD ELECTRONIC DEVICE**

Art Unit: **3624**

Examiner: **G. ANDERSON**

RECEIVED  
U.S. PATENT AND TRADEMARK OFFICE  
JULY 25 2000  
100 MAIL ROOM

**NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner  
for Patents  
Washington, D.C. 20231

Dear Sir:

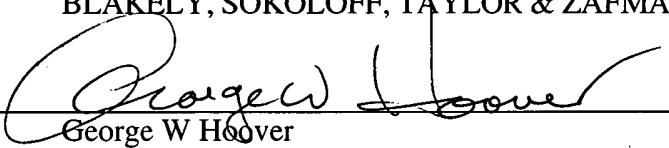
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated September 11, 2000, rejecting claims 6-11 of the above-referenced application.

A check in the amount of \$1,200.00 is enclosed herewith, including the fee for filing the Notice of Appeal and a three-month extension of time. Please charge any additional fees or credit any overpayment to our deposit account no. 02-2666. A duplicate copy of this Notice is enclosed herewith.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: November 22, 2000

  
George W Hoover  
Reg. No. 32,992

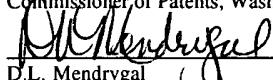
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(310) 207-3800

12/01/2000 CVD111 00000072 09113446

01 FC:119  
02 FC:117

310.00 OP  
890.00 OP

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on: November 22, 2000

  
D.L. Mendrygal November 22, 2000  
Date

*Granted  
Three mos.*

Please type a plus sign inside this box -->

PTO/SB/21 (12/97)

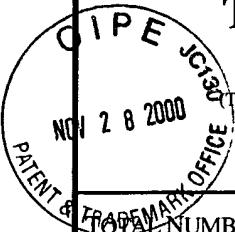
Approved for use through 09/30/00 OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

To be used for all correspondence after initial filing)



TOTAL NUMBER OF PAGES IN THIS SUBMISSION

		Application Number	09/113,446
		Filing Date	07/10/1998
		First Named Inventor	WAGNER, ET AL.
		Group Art Unit	3624
		Examiner Name	G. ANDERSON
		Attorney Docket Number	003470.P005

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers  <input type="checkbox"/> Drawings  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) & Accompanying Petition  <input type="checkbox"/> To Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication Group  <input type="checkbox"/> Appeal Communication to Board of Appeals & Interferences  <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)  Postcard
--	---	---

#### Remarks

In the event that an extension of time is required to prevent this application from being abandoned, such extension is hereby requested and authorization is hereby given to charge the appropriate fee to Deposit Account No. 02-2666.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP  
George W-Hoover, Reg. No. 32,992

Signature George W-Hoover

Date November 22, 2000

RECEIVED  
NOV 30 2000  
OIGB/JMWS

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

November 22, 2000

Typed or Printed Name	D.L. Mendrygal		
Signature	<u>D.L. Mendrygal</u>	Date	November 22, 2000

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
FOR FY 2001**

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT (\$1,200.00)

Complete If Known

Application Number	09/113,446
Filing Date	07/10/1998
First Named Inventor	WAGNER, ET AL.
Group Art Unit	3636
Examiner Name	G. Anderson

Attorney Docket Number 003470.P005

**METHOD OF PAYMENT (check one)**

1.  The Commissioner is hereby authorized to charge indicated fees & credit any overpayments to:

Acct # 02-2666  
 Acct Name Blakely Sokoloff Taylor & Zafman LLP  
 Charge any add'l fee required under 37 CFR 1.16 & 1.17  
 Applicant claims small entity status.  
 See 37 CFR 1.27

2.  Payment Enclosed:

Check  Money Order  Other

**Fee Calculation****1. Filing Fee**

Large Entity		Small Entity		Fee Paid
Code	Fee (\$)	Code	Fee (\$)	
101	710	201	355	Utility filing fee
106	320	206	160	Design filing fee
107	490	207	245	Plant filing fee
108	710	208	355	Reissue filing fee
114	150	214	75	Provisional filing fee
<b>Subtotal (1) (\$)</b>				355

**2. Claims**

	*	Extra	Fee from Below	Fee Paid
Total Claims	20 -		X	
Ind. Claims	3 -		X	

## Multiple Dependent Claims

Large Entity		Small Entity		
Code	Fee (\$)	Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim
109	80	209	40	Reissue independent claims over original patent
110	18	210	9	Reissue claims in excess of 20 & over original patent
<b>Subtotal (2) (\$)</b>				

**3. Additional Fees**

Large Entity Code	Fee (\$)	Small Entity Code	Fee (\$)	Fee Description	Fee Paid
127	130 50	205 227	65 25	Surcharge-late filing fee or oath Surcharge-late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2520	147	2520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1840*	113	1840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within 1st month	
116	390	216	195	Extension for reply within 2nd month	
117	890	217	445	Extension for reply within 3rd month	890.00
118	1390	218	695	Extension for reply within 4th month	
128	1890	228	945	Extension for reply within 5th month	
119	310	219	155	Notice of Appeal	310.00
120	310	220	155	Filing a brief in support of appeal	
121	270	221	135	Request for oral hearing	
138	1510	138	1510	Petition to institute a public use proceeding	
140	110	240	55	Petition to Revive-unavoidable	
141	1240	241	620	Petition to Revive-unintentional	
142	1240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of IDS	
581	40	581	40	Recording each patent assignment per property	
146	710	246	355	Filing a submission after final rejection	
149	710	249	355	For each add'l invention to be examined	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					

\*Reduced by Basic Filing Fee Paid

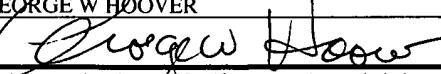
Subtotal (3)

(\$1,200)

Express Mail Receipt No.: E M

SUBMITTED BY: BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN LLP

COMPLETE (if applicable)

Name	GEORGE W HOOVER	Reg. Number	32,992
Signature		Date	November 22, 2000

\*Highest number of claims previously paid for if an amendment is being transmitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.